REMARKS

The Office Action dated May 19, 2006 has been reviewed and carefully considered. Claims 1, 3, 4 and 21 remain pending, the independent claims remaining, 1 and 21. All claims are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 3, 4 and 21 stand rejected under 35 U.S.C. 112, first paragraph, for lack of enablement.

We are grateful for the Examiner's commentary.

As the Examiner notes, claims 1 and 21 were written so as to imply the simultaneous storage and transmission of a packet by a device, and the specification cannot support this implication.

As the Examiner further notes, the specification, to the contrary, states that the "FIFO memory 50 stores the packet received from the physical layer 10 and then transmits the stored packet to the switch engine interface 60. . ." (page 5, lines 21-22).

Upon further review, we now realize that our interpretation of the specification, which was translated from a non-English priority document, was incorrectly altered by the claim changes we erroneously made in the amendment of November 12, 2003.

Immediately below, we provide detailed citations to the specification for the claim changes being made.

1.   A method for processing, by an Ethernet MAC (Medium Access Control) layer (page 2, line 4), a packet received from a physical layer (page 2, line 5) and intended,

after reception (page 5, lines 21-22), for transmission to a layer above the MAC layer (page 2, lines 10-13), comprising:

receiving, at the MAC layer, said packet from the physical layer (page 5, lines 9-10);

detecting for error while transmitting the received packet to said layer above (page 7, lines 6-7); and,

upon detection of said error,

a) stopping said transmitting to said layer above (page 7, lines 9-10); and

b) sending, to said layer above, a signal indicating the occurrence of error and a signal indicating an end of the packet (page 7, lines 9-13).

21. A method for processing, by an Ethernet MAC (Medium Access Control) layer (page 2, line 4), a packet received from a physical layer and intended, after reception, for storage in a storage memory at the MAC layer and transmission, after storage of the packet in said storage memory, to a layer above the MAC layer (page 6, line 21 - page 7, line 2), the packet having a size, comprising:

detecting for error while receiving, at the MAC layer, said packet from the physical layer (page 5, lines 15-17); and,

upon detection of error,

a) regardless of said size (page 8, lines 4-6), preventing the storage, of said packet, in said storage memory at the MAC layer, thereby preventing said transmission to said layer above (page 7, lines 6-13; FIG. 1); and

b) sending, to said layer above, a signal indicating occurrence of error and a signal indicating an end of said packet (page 6, lines 11-14; page 8, lines 4-6).

As to claim 1 as amended, U.S. Patent No. 5,999,538 to Haddock et al. ("Haddock") does not disclose or suggest "stopping said transmitting to said layer above."

As to claim 21 as amended, U.S. Patent No. 5,493,562 to Lo, alone or in

combination with prior art disclosed in the applicant's application and/or in combination with U.S. Patent No. 6,295,281 to Itkowsky et al. ("Itkowsky"), does not disclose or suggest, ". . . upon detection of error, a) regardless of said size, preventing the storage, of said packet, in said storage memory at the MAC layer, thereby preventing said transmission to said layer above; and b) sending, to said layer above, a signal indicating occurrence of error and a signal indicating an end of said packet."

For all of the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned telephone number listed below.

Respectfully submitted,

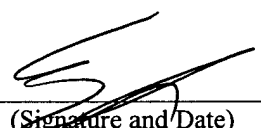CHA & REITER

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